IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

Crl.Rev.Pet.No. 4102 of 2006-C

CRA.444/2000 of ADDL. SESSIONS COURT FAST TRACK COURT -I (ADHOC), TRIVANDRUM

CC.616/1997 of JUDL. MAGISTRATE OF FIRST CLASS COURT-III, NEYYATTINKARA

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REVN. PETITIONER: APPELLANT/ACCUSED

SUGATHARAJ, AGED 35 YEARS,
S/O. SUKUMARAN, RESIDING AT HOUSE NO.V.P.XI-608,
ARIVAL COLONY, PANAYIL VEEDU, VELLAR,
MUTTAKKADU DESOM, VENGANOOR VILLAGE.

BY ADV. SRI.RENJITH B.MARAR

RESPONDENTS: RESPONDENT/STATE

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR MR. AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 20/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P.NO.4102 of 2006-C

DATED THIS THE 20TH DAY OF FEBRUARY 2007

ORDER

The revision petitioner stands convicted for the offences under Sections 341 and 323 of the Indian Penal Code and sentenced to undergo simple imprisonment for one month for the offence under Section 341 IPC and to undergo simple imprisonment for six months for the offence under Section 323 IPC. The sentences are to run concurrently. The prosecution case is that the accused on 8-6-1997 at about 8.30 p.m. wrongfully restrained the de facto complainant in the road near Vallar Junction in Thiruvananhapuram-Vizhinjam public road for demanding Rs.10/- and caught hold of his genital organs and crushed the same resulting in the bursting of his left testicle and also resulted in bleeding.

2. The evidence adduced consisted of the testimony of PWs.1 to 8 and Exts.P1 to P5. PW1 has testified with respect to the incident. PWs.2 and 7 have deposed in support of the prosecution version. PW3 another eye witness turned hostile. PW4, Doctor of the Medical College Hospital has proved Ext.P2 wound certificate. The endorsement in Ext.P2 tallies with the injuries allegedly sustained as per the prosecution version.

The contention that there is delay in PW1 reaching the hospital cannot be countenanced in view of the fact that the place of the incident and the Medical College Hospital is at a distance. The place of incident is at Kovalam. The suggestion made to PW1 and denied by him that PW1 attempted to molest the wife of the accused at the house of the accused is not put to PWs.2 and 7. I find that in the cross examination of PW8, the investigating officer no contradictions or omissions have been brought out with respect to the statement of the witnesses. In the circumstances, I find no reason at all to interfere in the findings of the courts below. So far as the sentence is concerned, I find that the same cannot be said to be excessive considering the nature of the offence. The conviction and sentence is confirmed. The Crl.revision petition is dismissed.

K.R.UDAYABHANU, JUDGE

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